

UNITED STATES BANKRUPTCY COURT
EASTERN DISTRICT OF NEW YORK

Return Date: March 11, 2021
Time: 10:00 a.m.

-----X
In re:

STEVE N MURRAY
aka Steve Nathan Murray aka Steve Murray

Chapter 13

Case No.: 21-40002-206

Debtor(s)

NOTICE OF MOTION

-----X
SIRS / MADAMS

PLEASE TAKE NOTICE, that MICHAEL J. MACCO, Chapter 13 Trustee of the above captioned estate, will move before the Honorable Jil Mazer-Marino, United States Bankruptcy Judge, on the 11TH day of MARCH at 2021, at 10:00am, the United States Bankruptcy Court located at 271 Cadman Plaza East – Courtroom 3529, Brooklyn, New York 11201, for an Order pursuant to 11 U.S.C. §§ 521 & 1307(c), for an Order, objecting to the debtor's homestead exemption pursuant to CPLR §5206 , together with such other and further relief as this Court deems just and proper.

PLEASE TAKE FURTHER NOTICE, that answering papers, if any, shall be filed with the Court and served upon the undersigned no later than seven (7) days prior to the return date of this motion.

Dated: Islandia, New York
February 22, 2021

Yours, etc.

MICHAEL J. MACCO
Chapter 13 Trustee
2950 Express Drive South, Suite 109
Islandia, New York 11749
(631) 549-7900

To: *Office of the United States Trustee*
STEVE N MURRAY, Debtor(s)
CLOVER M. BARRETT, ESQ., Attorney for Debtor(s)

UNITED STATES BANKRUPTCY COURT
EASTERN DISTRICT OF NEW YORK

-----X
In re:

STEVE N MURRAY
aka Steve Nathan Murray aka Steve Murray

tmm1634

Chapter 13

Case No.: 21-40002-206

Debtor(s)

APPLICATION

-----X
TO THE HONORABLE CARLA E. CRAIG, UNITED STATES BANKRUPTCY JUDGE:

MICHAEL J. MACCO, Chapter 13 Trustee in the above captioned estate,
respectfully represents as follows:

1. The debtor(s) filed a petition under the provisions of 11 U.S.C. Chapter 13 on January 4, 2021, and thereafter MICHAEL J. MACCO was duly appointed and has qualified as Trustee.

1. According to Schedule C, homestead exemption under NYCPLR§5206(a) in the total amount of \$74,115.86 dollars. A copy of Schedule C is annexed hereto, as ***Exhibit "A."***

2. The debtor does not own the property and is not entitled to take the homestead Exemption.

3. During the course of the debtor's 341 Meeting of Creditors, the debtor and debtor's counsel were instructed to amend Schedule C and failed to do so.

WHEREFORE, your Trustee requests for an Order objecting herein to the cash exemption claimed by the debtor pursuant to the provisions of NYCPLR§5205(a)(9) and §5205(d)(2), together with such other and further relief as this Court deems just and proper.

Dated: Islandia, New York
February 22, 2021

/s/ Michael J. Macco

Michael J. Macco, Chapter 13 Trustee
2950 Express Drive, Suite 109
Islandia, NY 11749
(631) 549-7900

EXHIBIT “A”

STATE OF NEW YORK)
COUNTY OF SUFFOLK) ss.:

SHAMUS MROTZEK, being duly sworn deposes and says: deponent is not a party to this action, is over 18 years of age and resides in Suffolk County, New York.

On February 22, 2021 deponent served the within:

NOTICE OF MOTION AND APPLICATION

upon the following parties, at the addresses designated by said parties for that purpose, by depositing a true copy of same, enclosed in a post-paid, properly addressed wrapper in an official depository under the exclusive care and custody of the United States Postal Service within the State of New York:

Steve N Murray
1468 Jefferson Avenue
Brooklyn, NY 11237
Debtor(s)

and upon the following parties, by the e-mail address designated by said parties for that purpose;

Office of the United States Trustee
U.S. Federal Office Building
USTP.Region02.BR.TFRTDR@usdoj.gov

Clover M Barrett, Esq.
Clover Barrett & Associates, P.C.
Attorney for Debtor(s)
cbarrettpc@aol.com

WELLS FARGO BANK, N.A.
c/o Shapiro DiCaro & Barak LLC
mchatwin@logs.com
rgriswold@logs.com

/s/ Shamus Mrotzek
SHAMUS MROTZEK

Sworn to before me this
22nd day of FEBRUARY, 2021

/s/ Janine M. Zarrilli
NOTARY PUBLIC
Janine M. Zarrilli
Notary Public, State of New York
No. 01ZA5084708
Qualified in Nassau County
Commission Expires September 8, 2021

Fill in this information to identify your case:

Debtor 1	Steve N Murray		
	First Name	Middle Name	Last Name
Debtor 2 (Spouse if, filing)			
	First Name	Middle Name	Last Name
United States Bankruptcy Court for the:	EASTERN DISTRICT OF NEW YORK		
Case number (if known)			

☐ Check if this is an amended filing
Official Form 106C**Schedule C: The Property You Claim as Exempt**

4/16

Be as complete and accurate as possible. If two married people are filing together, both are equally responsible for supplying correct information. Using the property you listed on *Schedule A/B: Property* (Official Form 106A/B) as your source, list the property that you claim as exempt. If more space is needed, fill out and attach to this page as many copies of *Part 2: Additional Page* as necessary. On the top of any additional pages, write your name and case number (if known).

For each item of property you claim as exempt, you must specify the amount of the exemption you claim. One way of doing so is to state a specific dollar amount as exempt. Alternatively, you may claim the full fair market value of the property being exempted up to the amount of any applicable statutory limit. Some exemptions—such as those for health aids, rights to receive certain benefits, and tax-exempt retirement funds—may be unlimited in dollar amount. However, if you claim an exemption of 100% of fair market value under a law that limits the exemption to a particular dollar amount and the value of the property is determined to exceed that amount, your exemption would be limited to the applicable statutory amount.

Part 1: Identify the Property You Claim as Exempt

1. Which set of exemptions are you claiming? Check one only, even if your spouse is filing with you.

- ☒ You are claiming state and federal nonbankruptcy exemptions. 11 U.S.C. § 522(b)(3)
- ☐ You are claiming federal exemptions. 11 U.S.C. § 522(b)(2)

2. For any property you list on *Schedule A/B* that you claim as exempt, fill in the information below.

Brief description of the property and line on <i>Schedule A/B</i> that lists this property	Current value of the portion you own Copy the value from <i>Schedule A/B</i>	Amount of the exemption you claim Check only one box for each exemption.	Specific laws that allow exemption
1468 Jefferson Avenue Brooklyn, NY 11217 Kings County Line from <i>Schedule A/B</i> : 1.1	\$900,000.00	<input checked="" type="checkbox"/> \$74,115.86 <input type="checkbox"/> 100% of fair market value, up to any applicable statutory limit	NYCPLR § 5206
2011 Saab 9-5 111,000 miles Line from <i>Schedule A/B</i> : 3.1	\$3,196.00	<input checked="" type="checkbox"/> \$3,196.00 <input type="checkbox"/> 100% of fair market value, up to any applicable statutory limit	NYCPLR § 5205(a)(8)
General Household Goods and Furnishings Line from <i>Schedule A/B</i> : 6.1	\$200.00	<input checked="" type="checkbox"/> \$200.00 <input type="checkbox"/> 100% of fair market value, up to any applicable statutory limit	NYCPLR § 5205(a)(5)
General Wearing Apparel Line from <i>Schedule A/B</i> : 11.1	\$200.00	<input checked="" type="checkbox"/> \$200.00 <input type="checkbox"/> 100% of fair market value, up to any applicable statutory limit	NYCPLR § 5205(a)(5)

3. Are you claiming a homestead exemption of more than \$160,375?
(Subject to adjustment on 4/01/19 and every 3 years after that for cases filed on or after the date of adjustment.)

- ☒ No
- ☐ Yes. Did you acquire the property covered by the exemption within 1,215 days before you filed this case?
- ☐ No
- ☐ Yes

Debtor 1 Steve N Murray

Case number (if known) _____